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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CHARLES ROBERT KALMANEK JR.

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09/06/2005

AT&T CORP.

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,791

Applicant(s)

KALMANEK ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27, 30, 32-34, 38-40, 42-45, 48, 49, 51-62 and 65-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27, 32-34, 38-40, 42-45, 48, 49, 51-62, 65-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-27, 30, 32-33, 38-40, 42-43, 55-56, 58-60, 62, 65, 67-69, 74, 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Arango US 5,732,078.

Regarding claims 25, 30, 38, 39, 42, 55, 58-60, 65, 67-68, 74, 76, the claimed reserving, for a particular call, packet network resources of a first packet network according to its own reservation policy and reserving packet network resources of a second packet network according to its own reservation policy is disclosed by first host part of a LAN subnetwork connected to first access point initiating call to second host part of a LAN subnetwork connected to second access point and host (Figure 5, h1) transmits request packet requesting for continuous bandwidth communications session and second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9, column 7, lines 1-47, column 9, lines 27-40. The claimed second packet network being coupled to first packet network and reservation policies being different is disclosed by first and second host coupled through Internet backbone and host connected to different subnetworks where negotiation of sufficient bandwidth is needed to reserve proper resources for session.

The claimed reserving packet network resources of first packet network being based on an indication from calling party is disclosed by first host sending message packet including preferred bandwidth and quality of service for communication session. The claimed reserving packet network resources of second packet network being based on an indication from a called party is disclosed by second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9. The first and second packet networks being coupled to each other through third network is disclosed by first and second host coupled through Internet backbone and host connected to different subnetworks. See Figures 4-6. The indication from calling party and called party indicating a limit for packet network resources for first and second network respectively and for third network is disclosed by access points connected to hosts negotiate the setting up continuous bandwidth connection. See column 6, lines 1-40, column 13, lines 55-64.

Regarding claim 26, the claimed first packet network is a first access packet network associated with calling party and connected to backbone network second packet network is a second access packet network associated with called party and connected to backbone packet network is disclosed by first host (Figure 6, element 210) connected to first access point (Figure 6, element 220) part of a LAN subnetwork and second host (element 250) connected to second access point (element 240) in other subnetwork with WAN (element 230) forming Internet backbone connecting both hosts. See column 9, lines 26-40.

Regarding claims 27, 33, 40, 43, 56, 62, 69, the claimed access network is television coaxial cable network and backbone packet network is packet telephony service is disclosed by subnetworks connected to access points by cable television access network and WAN (Figure 6,

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element 230) forming Internet backbone. See column 1, lines 53-56, column 6, lines 26-40, column 14, and lines 45-49.

Regarding claim 32, the claimed reserving, for a particular call, packet network resources of an access packet network according to its own reservation is disclosed by first host part of a LAN subnetwork connected to first access point initiating call to second host part of a LAN subnetwork connected to second access point and host (Figure 5, h1) transmits request packet requesting for continuous bandwidth communications session and second host (element h7) if it agrees to engage in session, responds to request and the hosts negotiate the setting of the session. See column 5, lines 50-67, column 6, lines 1-9, column 7, lines 1-47, column 9, lines 27-40. The claimed reserving packet network of a backbone network according to its reservation policy is disclosed by access points (Figure 6, elements 220, 240) can communicate on WAN in best effort service as opposed to the guaranteed continuous bandwidth for hosts through switched, ISDN or ATM network (element 260). The claimed access packet network being coupled to backbone packet network and reservation policies being different is disclosed by reservation policy for access network is guaranteed and reserved for both hosts at same time where service is best effort for WAN.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 34, 44, 45, 48, 49, 51-54, 57, 70-71, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Roy US 6,081,513.

Regarding claims 34, 48, 49, Arango discloses all of the limitations of the claims except for the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a multiple call basis. Roy discloses resource analysis algorithm to determine if there are sufficient resources to satisfy conference call between multiple users. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include resource reservation for conference calls as in Roy et al. One of ordinary skill in the art would be motivated to do this to provide sufficient quality of service for multiple users communicating in conference session. See column 2, lines 1-9 of Roy.

Regarding claims 44, 45, 51-54, 57, 70-71, 75, Arango discloses all of the limitations except for selecting a reservation policy from a plurality of reservation policies associated with the second network. Roy discloses reserving resources based on different levels of service where calls with higher priority would require a different reservation policy than a lower priority call.

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See column 6, lines 54-67, column 7, lines 1-35, 55-65. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include the plurality of reservation policies according to priority as in Roy. One of ordinary skill in the art would be motivated to do this for proper routing of communication with varying levels of quality of service. See column 1, lines 36-50 of Roy.

5. Claims 66, 77-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango in view of Hin US 5,678,008.

Arango discloses all the limitations of the claims except for reservation policy for the first network relating to bi-directional capacity and the reservation policy for the second network relating to uni-directional and bi-directional capacity. Hin discloses setting up a call between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30. At the time the invention was made it would have been obvious to modify Arango to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do so to allocate sufficient resources for forward and reverse directions of communication.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arango.

Arango discloses all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango to include CBR data service of Hin in

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order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

7. Claims 72-73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arango and Roy in view of Hin.

Arango and Roy disclose all of the limitations of the claims except for reserving a constant-bit-rate channel in access network. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Arango and Roy to include CBR data service of Hin in order to transmit uncompressed voice and video traffic. One of ordinary skill in the art would be motivated to do this in order to avoid variable delay and interruptions in the flow of data.

Response to Arguments

8. Applicant's arguments filed 1/28/2005 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ 
8/31/05



FRANK DUONG
PRIMARY EXAMINER